

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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AMERICAN CIVIL LIBERTIES UNION;  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION,

Plaintiffs,

v.

FEDERAL BUREAU OF INVESTIGATION,

Defendant.  
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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 8-25-08

08 Civ. 3584 (VM)

ECF CASE

### STIPULATION AND ORDER

WHEREAS, on November 29, 2007, Plaintiff submitted to the Federal Bureau of Investigation ("FBI") a Freedom of Information Act ("FOIA") request seeking certain records relating to the FBI's use, implementation, and interpretation of its authority to impose non-disclosure obligations on NSL recipients since the law was amended in March 2006, as well as records relating to the FBI's use or issuance of NSLs at the request of the Department of Defense ("DoD") (1) for use in DoD investigations; (2) for use in joint FBI/DoD investigations; and (3) for use in non-FBI investigations (the "Request").

WHEREAS, on April 15, 2008, the plaintiffs filed a complaint, which alleges that the FBI has failed to timely process and produce documents in response to the Request and seeks to require the FBI to expedite processing of the Request and to grant a waiver or limitation of processing fees;

WHEREAS, in an effort to resolve these issues amicably without resort to unnecessary litigation, the parties have agreed on a mutually acceptable schedule for processing the Request;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the parties, as follows:

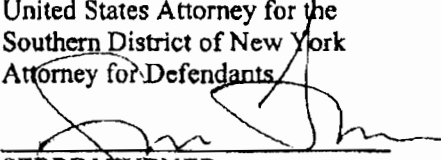
1. Defendant will complete its processing of the Request by November 21, 2008.
2. The parties may agree to extend any of the deadlines set forth in this Stipulation and Order without approval of the Court.
3. This Stipulation and Order shall not affect the defendant's right to redact or withhold requested records pursuant to applicable FOIA exemptions.
4. This Stipulation and Order shall not affect the plaintiffs' rights under FOIA to challenge the adequacy of any search, withholding, or redaction of requested records, or any refusal of a fee waiver or limitation.
5. This Stipulation and Order shall have no effect or bearing on any request for expedited processing or fee waiver or fee limitation in connection with any other FOIA request made by the plaintiffs.
6. Plaintiffs expressly waive any argument that entry of this Stipulation and Order, or any party's compliance with the terms of this Stipulation and Order, confers prevailing-party status upon plaintiffs under the FOIA's fee-shifting provision, 5 U.S.C. § 552(a)(4)(E), or otherwise entitles plaintiffs to attorney's fees.
7. The parties understand and agree that this Stipulation and Order contains the entire agreement between them, and that no statements, representations, promises,

agreements, or negotiations, oral or otherwise, between the parties or their counsel  
that are not included herein shall be of any force or effect.

Dated: New York, New York  
August 18, 2008

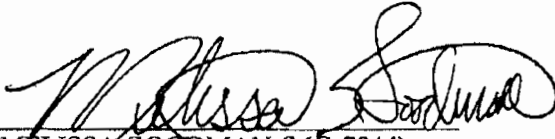
United States Attorney for the  
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By:

  
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Dated: New York, New York  
August 18, 2008


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SO ORDERED.

Dated: New York, New York  
August 24, 2008

  
THE HONORABLE VICTOR A. MARRERO  
UNITED STATES DISTRICT JUDGE